

## REMARKS

Claims 6-10 are currently pending in this application. Claims 6, 8, and 10 are amended. Claim 11 is added. No new matter is presented. The foregoing amendments and following remarks are considered by Applicant to overcome each rejection raised in the Office Action and to place the application in condition for allowance. Accordingly, Applicant requests consideration of claims 6-11.

Claims 6-10 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 6, 8 and 10 are amended to more clearly recite the features of the claimed invention. Since claims 7 and 9 are dependent upon claim 6, it is submitted that these claims likewise overcome the rejection based on 35 U.S.C. 112, second paragraph. Accordingly, Applicants request the withdrawal of the rejection of claims 6-10.

Claims 6, 9, and 10 were rejected under 35 U.S.C. 102(b) as being anticipated by Glaser et al. (U.S. Patent No. 4,202,037). The Examiner takes the position that Glaser teaches or suggests all the elements recited in claims 6, 9, and 10. Applicants respectfully disagree.

Claim 6 recites an optical observation instrument having at least one eyepiece having an intermediate image plane and a device for displaying information relating to the adjusted instrument parameters. A current operating state and/or an object to be observed in a visually perceptible manner are arranged in the intermediate image plane.

Claim 10 is directed to an eyepiece for optical observation instruments having a device arranged in an intermediate image plane of the eyepiece for displaying information in a visually perceptible manner. The eyepiece is constructed with respect to shape, size, and a fastening means in a same manner which is the same as an eyepiece not having such a device, so that an eyepiece with such a device can be exchanged with an eyepiece without such a device or vice versa on optical observation instruments.

Glaser is directed to a computer that is coupled to a light microscope in a closed-loop feedback system for facilitating total intervention by an operator. A graphics display 19 which is connected to the graphics display, produces an image which includes, selected data from the computer memory and system commands. These commands are a set of programmed procedures and instructions available to the operator for controlling the computer microscope. A camera or optical beam splitter 20 is incorporated into the microscope and is optically aligned with the graphics display.

Glaser, however, does not teach or suggest disclose a device that provides an object to be observed in a visually perceptible manner arranged in the intermediate image plane. Glaser discloses an image that is superimposed upon an image display. The image is also

regenerated through a computer. Glaser does not provide that the image plane for the information display being in the eyepiece. In contrast, the claimed invention, provides that the device display information relating to the adjusted instrument parameters, the current operating state and/or the specimen to the observed in a visually perceptible manner arranged in the intermediate image plane. In other words, the claimed invention provides the user with the image as seen in the eyepiece. Furthermore, as recited in claim 10, the eyepiece is constructed with respect to shape, size, and a fastening means in a same manner which is the same as an eyepiece not having such a device, so that said eyepiece can be exchanged with said device on optical observation instruments. Thus, the device can be replaced with the eyepiece or used concurrently. Thus, it is submitted that Glaser fails to teach or suggest all the features recited in claims 6 and 10. Accordingly, Applicants request the withdrawal of the rejection of claims 6 and 10 under 35 U.S.C 102(b).

Claim 9 is dependent upon claim 6, therefore, it is submitted that claim 9 for at least the reasons mentioned above recites subject matter that is neither taught nor suggested by Glaser. As a result, Applicants request the withdrawal of the rejection of claim 9.

Claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Glaser. The Examiner takes the position that the Glaser teaches or suggests all the features recited in claim 7 except the feature of having a LED display or LCD display connected to the control electronics. The Examiner indicates that it would have been obvious to one skilled in the art to have the graphic display as a LED or LCD display to reduce the size of the display and the power consumption. Applicants respectfully traverse the rejection of claim 7.

Claim 7 is dependent upon claim 6, therefore, it is submitted that for at least the reasons mentioned above, claim 7 recites subject matter that is neither taught nor suggested by the applied reference. Accordingly, Applicants request the withdrawal of the rejection of claim 7 under 35 U.S.C. 103(A).

Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Glaser in view of Sakano (U.S. Patent No. 6,292,214). The Examiner takes the position that the combination of Glaser and Sakano teach or suggest all the features recited in claim 8. Applicants respectfully disagree.

It should be noted that claim 8 is dependent upon claim 6, thus, for at least the reasons mentioned above, the combination of Glaser and Sakano fail to teach or suggest the features recited in claim 6. More specifically, the cited references fail to teach or suggest a device for displaying information relating to the adjusted instrument parameters. A current operating

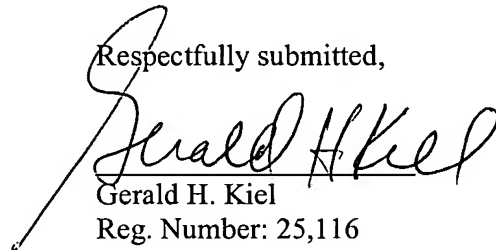
state and/or an object to be observed in a visually perceptible manner are arranged in the intermediate image plane.

In view of the above amendments and remarks, it is respectfully submitted that the claims now clearly recite the patentable features of the present invention. Claims 6, 8, and 10 are amended and claim 11 is added. No new matter is presented. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance is respectfully requested.

Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Reed Smith LLP  
599 Lexington Avenue  
29th Floor  
New York, NY 10022-7650

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Gerald H. Kiel". The signature is written in a cursive, flowing style with a long, sweeping underline that extends to the left.

Gerald H. Kiel  
Reg. Number: 25,116  
Telephone: 212-521-5400  
Facsimile: 212-521-5450